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Sec. Twp. Range

**ZONING HEARING APPLICATION
MIAMI-DADE COUNTY
DEPARTMENT OF PLANNING & ZONING**



LIST ALL FOLIO #S: 30-3102-016-0060

Date Received

1. **NAME OF APPLICANT** (Owner(s) of record of the property or lessee. If applicant is a lessee, an executed 'Owner's Sworn-to-Consent' and copy of a valid lease for 1 year or more is required. If the applicant is a corporation, trust, partnership, or like entity, a 'Disclosure of Interest' is required).

1295 Shore LLC.

2. **APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:**

Mailing Address: 1190 NW 95 Street. S. 405.

City: Miami State: FL Zip: 33150 Phone#: 305 835 9262

3. **OWNER'S NAME, MAILING ADDRESS, TELEPHONE NUMBER:**

Owner's Name (Provide name of ALL owners): Alande Brezault and Claude A. Innocent

Mailing Address: 1190 NW 95 Street. S. 405.

City: Miami State: FL Zip: 33150 Phone#: 305 835 9262

4. **CONTACT PERSON'S INFORMATION:**

Name: Guillermo Olmedillo Company: OLMEDILLO X 5, INC.

Mailing Address: 1450 Madruga Avenue. S. 407

City: Coral Gables State: FL Zip: 33146

Phone# 786 252 0381 Fax# E-mail: guillermo@olmedillox5.com

5. **LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION**

(Provide complete legal description, i.e., lot, block, subdivision name, plat book & page number, or metes and bounds. Include section, township, and range. If the application contains multiple rezoning requests, a legal description for each requested zone must be provided. Attach separate sheets as needed and clearly label (identify) each legal description attached. In addition to paper version it is requested that lengthy metes and bounds descriptions be provided on diskette or compact disc in Microsoft Word or compatible software.)

See Exhibit "A" attached

6. **ADDRESS OR LOCATION OF PROPERTY** (For location, use description such as NE corner of, etc.)

9400 NW 12 Avenue. Miami, FL.

7. SIZE OF PROPERTY Irregular ft x _____ ft (in acres): 1.5 Acres
(divide total sq. ft. by 43,560 to obtain acreage)

8. DATE property ☒ acquired ☐ leased: 9/2010 & 6/2011 (month & year)

9. Lease term: _____ years

10. IS CONTIGUOUS PROPERTY OWNED BY THE SUBJECT PROPERTY OWNER(S)?

no ☒ yes ☐ If yes, provide complete legal description of said contiguous property.

See attached legal

11. Is there an option to purchase ☐ or lease ☐ the subject property or property contiguous thereto?

no ☒ yes ☐ (If yes, identify potential purchaser or lessee and complete 'Disclosure of Interest' form)

12. PRESENT ZONING CLASSIFICATION: RU-3B/EU-M

13. APPLICATION REQUESTS (Check all that apply and describe nature of the request in space provided)

☐ District Boundary(zone) Changes [Zone(s) requested]: _____

(Provide a separate legal description for each zone requested)

☐ Unusual Use: _____

☐ Use Variance: _____

☒ Non-Use Variance: Reduction of required parking spaces

☐ Alternative Site Development: Option: _____

☐ Special Exception: _____

☒ Modification of Previous Resolution/Plan: _____

☒ Modification of Declaration or Covenant: _____

14. Has a public hearing been held on this property within the last year & a half? no ☒ yes ☐.

If yes, provide applicant's name, date, purpose and result of hearing, and resolution number:

15. Is this application a result of a violation notice? no ☒ yes ☐. If yes, give name to whom the

violation notice was served: _____ and describe the violation:

16. Describe structures on the property: Two separate rectangular structures

17. Is there any existing use on the property? no ☒ yes ☐. If yes, what use and when established?

Use: _____ Year: _____

18. Do you require a translator for the actual hearing? Yes ☐ No ☒

If yes: Spanish ☐ Haitian Creole ☐

Other (Please specify which language) _____



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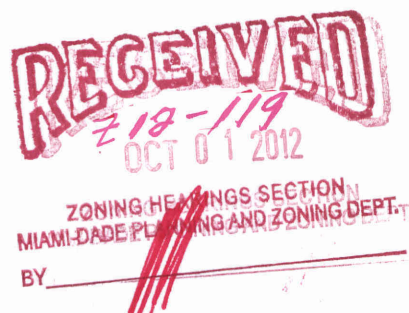
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Other (Please specify which language) _____



OWNERSHIP AFFIDAVIT
FOR
CORPORATION

STATE OF Florida Public Hearing No. _____
COUNTY OF Miami-Dade

Before me, the undersigned authority, personally appeared Claude A. Innocent & Alande Brezault hereinafter the Affiant(s), who being first duly sworn by me, on oath, deposes and says:

1. Affiant is the president, vice-president or CEO of the Corporation, with the following address:
1190 NW 95 St Suite # 405 Miami, FL 33150
2. The Corporation owns the property which is the subject of the proposed hearing.
3. The subject property is legally described as: see Exhibit
4. Affiant is legally authorized to file this application for public hearing.
5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:

Brenda Joseph
Signature

Brenda Joseph
Print Name

Maria A. Perez
Signature

Maria A. Perez
Print Name

Claude A. Innocent / Alande Brezault
Affiant's signature
Print Name

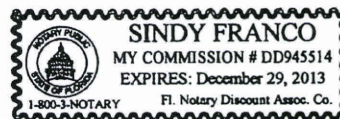
Sworn to and subscribed before me on the 24th day of April 20 12.

Affiant is personally known to me or has produced _____ as identification

Notary

(Stamp/Seal)

Commission Expires: 12/29/2013



APPLICANT'S AFFIDAVIT

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I)(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

OWNER OR TENANT AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am)(we are) the ☐ owner ☐ tenant of the property described and which is the subject matter of the proposed hearing.

Signature

Signature

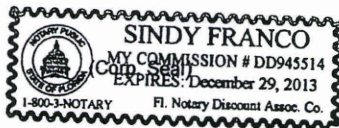
Sworn to and subscribed to before me
this _____ day of _____, _____.

Notary Public: _____
Commission Expires: _____

CORPORATION AFFIDAVIT

(I)(WE) Claude A. Innocent & Alande Brezault, being first duly sworn, depose and say that (I am)(we are) the ☒ President ☐ Vice-President ☐ Secretary ☐ Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing, and that said corporation is the ☒ owner ☐ tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest: _____



Claude A. Innocent
Authorized Signature
President / President
Office Held

Sworn to and subscribed to before me
this 24th day of April, 2012.

Notary Public: [Signature]
Commission Expires: 12-29-2013

PARTNERSHIP AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am)(we are) partners of the hereinafter named partnership, and as such, have been authorized to file this application for a public hearing; and that said partnership is the ☐ owner ☐ tenant of the property described herein which is the subject matter of the proposed hearing.

By _____ %
By _____ %

(Name of Partnership)
By _____ %
By _____ %

Sworn to and subscribed to before me
this _____ day of _____, _____.

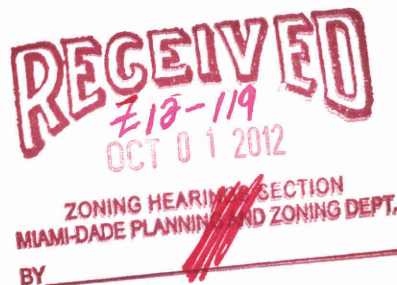
Notary Public: _____
Commission Expires: _____

ATTORNEY AFFIDAVIT

I, _____, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

Sworn to and subscribed to before me
this _____ day of _____, _____.

Signature
Notary Public: _____
Commission Expires: _____



ACKNOWLEDGEMENT BY APPLICANT

1. The Public Works Department, the Department of Environmental Resources Management (DERM), and other County agencies review and critique zoning hearing applications which may affect the scheduling and outcome of my hearing. These reviews may require additional hearings before DERM's Environmental Quality Control Board (EQCB), or other County boards, and/or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any DERM or Public Works conditions and advise this office in writing if my application will be withdrawn.
2. Filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property and I am responsible for paying the additional radius mailing costs. In addition to mailing costs, I am responsible for additional fees related to application changes, plan revisions, deferrals, re-advertising, etc., that may be incurred. I understand that fees must be paid promptly. Applications withdrawn within 60 days of the filing are eligible for a refund of 50% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. Refunds must be requested in writing.
3. Applicable Florida Building Code requirements may affect my ability to obtain a building permit even if my zoning application is approved; and a building permit will probably be required. I am responsible for obtaining any required permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use (C.U.) must be obtained for the use of the property after it has been approved at Zoning Hearing. Failure to obtain the required permits and/or C.U., Certificates of Completion (C.C.) or Certificate of Occupancy (C.O.) will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.
4. The 3rd District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Development Master Plan (CDMP) should not be approved by a zoning board and the recommendation will be for denial or deferral. Therefore, I acknowledge that if the hearing request is inconsistent with the CDMP and I decide to go forward then my hearing request can only be denied or deferred, but not approved. I also understand that I will not be reimbursed any fees paid unless I withdraw within 60 days of filing and then I will receive a 50% refund.
5. Any covenant to be proffered must be submitted to the Department's Legal Advisor, on County form, at least 1 month prior to the hearing date. The covenant will be reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. Legal Advisor can advise as to additional requirements applicable to foreign corporations. Documents submitted to Legal Advisor must carry a cover letter indicating subject matter, application number and hearing date. Legal Advisor may be reached at (305) 375-3075

(Applicant's Signature)

Claude A. Innocent, M.D.
(Print Name of Applicant)

Sworn to and subscribed before me on the

24th Day of April, 2012.

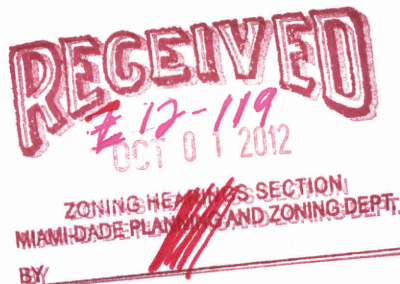
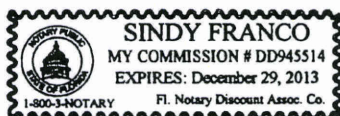
Affiant is personally known to me or has produced
as identification.

(Notary Public's Signature)

Sindy Franco
Print Name

My commission expires 12-29-2013

State of: Florida



DISCLOSURE OF INTEREST*

If a CORPORATION owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: 1295 Shore LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Alande Brezault</u>	<u>50%</u>
<u>Claude A. Innocent</u>	<u>50%</u>
<u>1190 NW 95 St. S. 405</u>	
<u>Miami, FL 33150</u>	

If a TRUST or ESTATE owns or leases the subject property, list the trust beneficiaries and the percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____
_____	_____

If a PARTNERSHIP owns or leases the subject property, list the principals including general and limited partners. [Note: Where the partner(s) consist of another partnership(s), corporation(s), trust(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
_____	_____
_____	_____
_____	_____
_____	_____

If there is a **CONTRACT FOR PURCHASE**, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar

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BY _____

entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: _____

NAME, ADDRESS AND OFFICE (if applicable)

Percentage of Interest

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

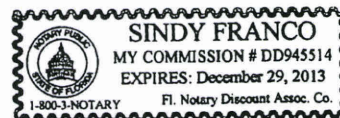
NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: _____
(Applicant)

Sworn to and subscribed before me this 24th day of April, 20 12. Affiant is personally known to me or has produced _____ as identification.

(Notary Public)



My commission expires: 12/29/13

Seal

*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

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Subject Property.

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ZONING HEARINGS SECTION
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LEGAL DESCRIPTION OF PARCEL "A"

A PORTION OF TRACT D, E AND F OF TWIN LAKES PROPERTIES ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 57, PAGE 9 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 53 SOUTH, RANGE 41 EAST, RUN S.0°24'12"E. ALONG THE EAST LINE OF THE NORTHWEST 1/4, NORTHWEST 1/4, SOUTHEAST 1/4 OF SECTION 2 A DISTANCE OF 50 FEET; THENCE S.88°43'32"W. A DISTANCE OF 50 FEET; THENCE RUN S.0°24'12"E. ALONG THE EAST LINE OF TRACT "D" OF TWIN LAKES PROPERTIES AS RECORDED IN PLAT BOOK 57 AT PAGE 9 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, A DISTANCE OF 100 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PROPERTY; THENCE CONTINUE S.0°24'12"E. A DISTANCE OF 299.04 FEET TO A POINT, SAID POINT BEING THE POINT OF CURVE; THENCE RUN 45.96 FEET ALONG AN ARC OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 2°54'35" AND A RADIUS OF 904.93 FEET TO A POINT; THENCE N.87°29'37"W. ALONG A RADIAL LINE FOR A DISTANCE OF 33.00 FEET; THENCE RUN N.42°10'34"W. FOR A DISTANCE OF 106.37 FEET TO A POINT; THENCE RUN N.00°24'12"W. FOR A DISTANCE OF 132.37 FEET TO A POINT; THENCE RUN S.88°43'32"W. FOR A DISTANCE OF 40.00 FEET TO A POINT; THENCE N.66°00'17"W. FOR A DISTANCE OF 70.27 FEET TO A POINT; THENCE S.88°43'32"W. FOR A DISTANCE OF 10.00 FEET TO A POINT; THENCE N.45°50'20"W. FOR A DISTANCE OF 56.13 FEET TO A POINT; THENCE N.00°24'12"W. FOR A DISTANCE OF 160.00 FEET TO A POINT; THENCE N.88°43'32"E. FOR A DISTANCE OF 63.00 FEET TO A POINT; THENCE S.00°24'12"E. FOR A DISTANCE OF 100.00 FEET TO A POINT; THENCE N.88°43'32"E. A DISTANCE OF 196.00 FEET TO A POINT OF BEGINNING. ALL THE ABOVE LOCATED IN TRACTS "D", "E", "F" OF THE PLAT OF TWIN LAKES PROPERTIES AS RECORDED IN PLAT BOOK 57, PAGE 9 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

CONTIGUOUS Property.

A PORTION OF TRACTS "D", "E" AND "F", OF TWIN LAKES PROPERTIES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 57, PAGE 9 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHEAST CORNER OF SAID TRACT "D"; THENCE RUN $S00^{\circ}24'12''E$ ALONG A LINE PARALLEL TO AND 50 FEET WEST OF THE EAST LINE OF THE NW. $1/4$, OF THE NW. $1/4$, SE. $1/4$ OF SECTION 2, TOWNSHIP 53 SOUTH, RANGE 41 EAST, A DISTANCE OF 399.04 FEET TO A POINT OF CURVE; THENCE CONTINUE 45.96 FEET ALONG AN ARC OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF $02^{\circ}54'35''$ AND A RADIUS OF 904.93 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING; THENCE RUN $N87^{\circ}29'37''W$, 33 FEET; THENCE $N42^{\circ}10'34''W$, 106.37 FEET; THENCE $S88^{\circ}43'32''W$, 154 FEET; THENCE $S00^{\circ}24'12''E$, 91.77 FEET; THENCE EAST, 257.24 FEET; THENCE NORTHERLY ALONG THE ARC OF A CURVE TO THE LEFT, A DISTANCE OF 9.58 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

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